

ENTERED

January 04, 2024

Nathan Ochsner, Clerk

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:**STRUDEL HOLDINGS LLC and
AVR AH LLC,****Debtors.¹**§
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§
§
§
§**Chapter 11****Case No. 23-90757 (CML)****(Jointly Administered)**

**ORDER GRANTING DEBTORS' MOTION TO STRIKE
PORTIONS OF APPELLANTS' DESIGNATION OF ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL
(Relates to Docket No. 262)**

The Court has considered the Debtors' Motion to Strike Portion of Appellants' Designation of Items to be Included in the Record on Appeal (the "Motion").² The Court finds that the Motion has merit and should be granted. Further, the Court finds that the Improper Designations were not considered by the Court at the Sale Hearing, and that such items should not be part of the record on appeal. Therefore, pursuant to Rule 8009(e) of the Federal Rules of Bankruptcy Procedure, it is:

ORDERED that the Motion is GRANTED as set forth herein; and it is further

ORDERED that the Improper Designations, including the Burke Declarations themselves as well as the following documents attached thereto, are stricken from the record on appeal:

Burke Declaration Exhibit No.	Bankr. D.I.	Description
Ex. 2	75-3	2017 Loan Agreement
Ex. 3	75-4	2018 Loan Agreement

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: AVR AH LLC (0148) and Strudel Holdings LLC (5426). The Debtors' service address is: PO Box 4068, Aspen, CO 81612.

² Defined terms used but not otherwise defined herein shall have the meaning provided in the Motion.

Burke Declaration Exhibit No.	Bankr. D.I.	Description
Ex. 4	75-5	2017 Pledge Agreement
Ex. 5	75-6	2018 Pledge Agreement
Ex. 6	75-7	2017 Deed of Trust
Ex. 7	75-8	2018 Deed of Trust
Ex. 8	75-9	Amendment No. 6 to the 2017 Loan Agreement
Ex. 9	75-10	Amendment No. 4 to the 2018 Loan Agreement
Ex. 10	75-11	2017 Bridge Agreement
Ex. 11	75-12	2018 Bridge Agreement
Ex. 23	218-2	Excerpts from the Transcript of the October 12, 2023 Deposition of Charif Souki
Ex. 24	218-3	Excerpts from the Transcript of the September 6, 2023 Deposition of Douglas Brickley

Signed: January 04, 2024


 Christopher Lopez
 United States Bankruptcy Judge